THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.7328 of 2007

Between:

Deddam Kumaraswamy and another.

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PETITIONERS

and

State of A.P., and others.

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RESPONDENTS

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ORDER:

The petitioner seeks to issue a Writ of Mandamus for declaring the action of the respondents in insisting the 2nd petitioner to abandon matrimonial relationship with the 1st petitioner and join her parents and registration of Cr.No.10 of 2007 by the 3rd respondent as illegal and arbitrary.

It is stated that the 1st petitioner is Hindu while the 2nd petitioner is Muslim by religion.

The 1st petitioner is permanent resident of Butchirajupalem village of Visakhapatnam city, but he being a builder by profession, he was shifted to Hyderabad about a year ago. The 2nd petitioner, who is the daughter of the 4th respondent, was originally belonged to Sankarampet village of Medak District. She was born on 10-10-1986 and she was aged about 21 years. Both the petitioners are majors.

It is stated that both of them married on 25-03-2007 at abode of holy temple of lord Sri Venkateswara Swamy at Dwaraka Tirumala of West Godavari District. Their marriage was performed as per Hindu customs and rituals and they are leading marital life as husband and wife and that they are staying at Visakhapatnam city.

It is stated that the 4th respondent lodged a complaint on 24-03-2007 as if the 1st petitioner kidnapped the 2nd petitioner. Based on the said complaint, a case in Cr.No.10 of 2007 was registered for the offence under Section 363 IPC. Pursuant to the said registration of the complaint, the 3rd respondent is sending constables to Visakhapatnam and taking steps to arrest the 1st petitioner. It is further stated that the 2nd respondent is also illegally pressurizing the 2nd petitioner to abandon matrimonial relationship with the 1st petitioner and join her parents.

From the above facts and circumstances it is to be seen that both the petitioners are majors and they fell in love and that they have married on 25-03-2007. Therefore, the question of kidnapping the 2nd petitioner by the 1st petitioner does not arise. However, as the criminal case is registered and pending, it is just and proper to direct the petitioners to appear before the 3rd respondent.

Accordingly, the writ petition is disposed of directing the petitioners to appear before the 3rd respondent within ten days from today. On their appearance, the 3rd respondent shall get their statements recorded by the concerned Magistrate under Section 164 Cr.P.C. without arresting them and by providing necessary police protection and take appropriate action depending upon their statements recorded before the concerned Magistrate. There shall be no order as to costs.

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10-04-2007

Note:

Issue C.C. by tomorrow

(B/o)

Prv